

WASHINGTON STATE DEPARTMENT OF HEALTH OCCUPATIONAL THERAPY PRACTICE BOARD PUBLIC MEETING MINUTES

September 15, 2006
10:00 AM

Department of Health,
Town Center 2, Room 158,
Tumwater, WA 98501

On September 15, 2006, the Occupational Therapy Practice Board met at The Department of Health, Town Center 2, Room 158, Tumwater, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

MEMBERS PRESENT

MARK LEHNER, OT, CHAIR
D. JILL PETRIE, COTA, VICE CHAIR
WENDY HOMES, OT
MICHELLE MOULTON, PUBLIC MEMBER

STAFF PRESENT

VICKI BROWN, PROGRAM MANAGER 3
JOY KING, EXECUTIVE DIRECTOR
DORI JAFFE, AAG ADVISOR
CHERI BROOKS, BOARD SUPPORT
SANDIE PEARSON, BOARD SUPPORT
ERIN OBENLAND, DISCIPLINARY MANAGER
MARK TRIPLETT, STAFF ATTORNEY
PETER HARRIS, STAFF ATTORNEY

GUESTS

TRENT KELLY, STAFF ATTORNEY, DEPARTMENT OF HEALTH (DOH)
TAMI THOMPSON, HEALTH SERVICES CONSULTANT 4, DOH
LAURIE JINKINS, ASSISTANT SECRETARY, DOH

Friday, September 15, 2006 – 10:00 AM – OPEN SESSION

1. CALL TO ORDER

The meeting was called to order at 10:00 am by Mark Lehner, OT, Chair. Mr. Lehner called for introductions as we have a newly appointed Occupational Therapy Practice Board Public Member, Michelle Moulton.

- 1.1 Approval of Agenda – The agenda was approved as amended. Added to the agenda was introductions under Call to Order; Item 10.1 Continuing Education Hours for Rules Hearing Attendance; Item 10.2 National Board for Certification in Occupational Therapy, Inc. (NBCOT); Item 10.3 Board

Presentation at the University of Washington and Item 10.4 Stipulation of Information Disposition (STID) Presentation.

1.2 Approval of Meeting Minutes from June 26, 2006

The June 26, 2006 meeting minutes were approved as presented.

2. RULES

Ms. Brown informed the Board that there will be a rules hearing held on October 6, 2006 in Portland, Oregon in regard to the following rules:

WAC 246-847-080 Examinations
WAC 246-847-115 Limited permits
WAC 246-847-120 Foreign trained applicants

A list of rules the Board previously identified as rules they would like to amend was provided. The Board prioritized these rules and would like CR-101's filed on the following rules:

- WAC 246-847-030 – Occupational Therapist acting in a consulting capacity
- WAC 246-847-055 – Initial application for individuals who have not practiced within the last four years
- WAC 246-847-XXX – Renewal for those who haven't practiced in four years
- WAC 246-847-068 – Expired license
- WAC 246-847-070 – Inactive credential
- WAC 246-847-125 – Applicants currently licensed in other states or territories
- WAC 246-847-020 – Persons exempt from the definition of an occupational therapy aide - REPEAL – the definition is being moved to WAC 246-847-010
- WAC 246-847-110 - Persons exempt from licensure pursuant to RCW 18.59-040(5)
- WAC 246-847-180 – Mandatory Reporting
- WAC 246-847-160 – Unprofessional conduct or gross incompetency – housekeeping only
- WAC 246-847-350 – Terms used in WAC 246-847-340 through WAC 246-847-370 – housekeeping only

2.1 WAC 246-847-010 Occupational Therapy Definitions

This rule is in the process of having a significant legislative analysis and small business economic impact statement prepared. Once these are completed the rules package will be submitted to Health Professions Quality Assurance (HPQA) rules office for review and scheduling of a rules hearing date.

2.2 WAC 246-847-135 Standards of Supervision

This rule is in the process of having a significant legislative analysis and small business economic impact statement prepared. Once these are completed the rules package will be submitted to Health Professions Quality Assurance (HPQA) rules office for review and scheduling of a rules hearing date.

3. **AMERICAN OCCUPATIONAL THERAPY ASSOCIATION (AOTA) MODEL PRACTICE ACT** – The Board discussed the Model Practice Act and agreed with the revisions and modifications. The Board requested Ms. Brown to complete and return the review form to AOTA.
4. **PROGRAM REPORT** – Information was provided to the Board by the Program Manager.
 - 4.1 Budget Update – The Interim Operating Report for July 2006 was provided to the Board.
 - 4.2 Other – Joy King provided a brief introduction of the Department of Health's reorganization.
5. **10:30 A.M. - DISCIPLINARY CHANGES UPDATE** – Trent Kelly, Staff Attorney, DOH, discussed new sanction guidelines with the Board, overview of House Bill (HB) 2974 and delegation of final decision making.

The following motion was made by Ms. Petrie, unanimously approved and carried:

In order to utilize a fast-track, expedited process for non-compliance cases, the Board moves the following: That the Board authorizes the chair or an assigned reviewing member to delegate to a Health Law Judge, on a blanket basis, the decision of whether or not a Respondent is in compliance with conditions specified in a disciplinary order. Mark Lehner called for a vote regarding the delegation of final decision making.

6. **11:30 AM - RULES OVERVIEW** - Tami Thompson, Health Services Consultant 4, presented a descriptive overview and handout on the rules process. Ms. Thompson discussed the Medical Quality Assurance Commission draft rule on "Delegation of authority to initiate investigations" with the board. This draft rule was filed as a CR-105 expedited rule making. The Board requested Ms. Brown to start the CR-105 expedited rule making process in order for them to be able to delegate the authority to initiate investigations.

7. SETTING 2007 MEETING DATES –

The following are proposed meeting dates for 2007:

DATE	LOCATION
JANUARY 19, 2007	KENT – free facility
APRIL 27, 2007	BELLINGHAM – free facility
JUNE 22 OR 29, 2007	TRI CITIES AREA
SEPTEMBER 28, 2007	TBA

8. FUTURE AGENDA ITEMS

- Charts projecting Interim Operating Report statistics
- Sanction Guidelines
- Ms. Petrie's report on NBCOT national conference
- Update Frequently asked questions (FAQ's)
- Rule on delegation of investigation
- Recommendations to look at future dates when doing CR-101's to allow for prioritizing rules
- NBCOT final draft of OTD Standards

9. **CORRESPONDENCE** – The Board received correspondence from an Occupational Therapist involved in a research project, asking if their license allows them to turn a brain simulator on and off without direct supervision. Mr. Lehner and Ms. Brown will draft a response to be sent to the Occupational Therapist.

10. OTHER OPEN SESSION BUSINESS

10.1 Continuing Education Hours for Rule Hearing Attendance – The Board determined that one hour of continuing education will be given to anyone who participates in the rules hearing on October 6, 2006. The rule hearing is being held at the Red Lion Hotel at the Beach, Portland, OR in conjunction with the Washington State Occupational Therapy Association conference.

10.2 National Board for Certification in Occupational Therapy, Inc. (NBCOT) – Ms. Petrie has received a request from NBCOT asking if, as a member of a state regulatory board, there are any questions or concerns the board has that can be discussed at the conference.

The Board suggested the following questions:

- What is the review status of TeleHealth and/or TeleCare?

- What is the timeframe for a foreign trained individual to receive approval to take the NBCOT examination? Would the timeframe start with the date of their graduation from the non-accredited by the World Federation of Occupational Therapy (WFOT) school? How does this compare to a graduate from an American Occupational Therapy Association (AOTA) accredited school?

10.3 Board Presentation at the University of Washington – Elizabeth Kanny, Ph.D., OTR, Associate Professor and Division Health, Division of Occupational Therapy, Department of Rehabilitation Medicine of the University of Washington sent a request asking if the board would be able to give their student lecture on state licensure to her class in October. Ms. Petrie will check her schedule to see if she is available. If Ms. Petrie is unable, Mr. Lehner will do the presentation to the Health Care Trends and Issues class.

The board asked staff to add the newly adopted Sexual Misconduct rules to the PowerPoint presentation.

10.4 2004-10-0002 OC – STID - Approved to include the following charges: failure to report a conviction of a felony and include three years of probation. Respondent agreed with STID

CLOSED SESSION 1:16 PM TO 1:49 PM

11. REVIEW OF APPLICATIONS

Applicant A – Needs to follow established re-entry plan for Board approval.
Applicant B – Approved
Applicant C – Approved
Applicant D – Approved

12. DISCIPLINARY CASE REVIEWS

Case 2005-03-0001OC – Issue Statement of Charges
Case 2006-03-0001OC – Issue Statement of Allegations

OPEN SESSION 1:49 to 2:38 PM

13. **ORGANIZATIONAL UPDATE** – Ms. Jenkins presented the proposed Department of Health, Health Systems Quality Assurance's Organizational Review Realignment. The initial stages of the long-term reorganization is designed to better meet business demands. The Board was encouraged to provide any concerns or feedback to Ms. Jenkins.

14. **ADJOURNMENT** – The Board adjourned at 3:16 p.m. with the next meeting scheduled for October 6, 2006 in Portland, Oregon.

Respectfully submitted:

Approved:

Vicki Brown
Program Manager

Mark Lehner, OT, Chair
Occupational Therapy Practice Board